

REMARKS/ARGUMENTS

As stated above, Applicant respectfully traverses the Requirement for Restriction. Applicant respectfully submits that the statement of the Examiner that the present patent application contains a plurality of disclosed patentably distinct species is incorrect.

The main part of the present invention is what is described in claim 1. Two film layers with different coefficients of thermal expansion are combined to avoid a curl effect which often occurs when plastic films are used to cover bituminous webs used for sealing roofs or the like. According to the present invention, the curl effect is avoided by the different coefficients of thermal expansion of the films of a multilayer film.

It is respectfully submitted that the use of a barrier layer (Species (a)) is only an improvement of the base invention and not another species. The barrier layer is used to avoid the migration of, for example, oils of a bituminous layer into the multilayer film. The migration would lead to a swell up of the layers facing towards the bituminous web. According to the swell up, the multilayer film would curl away from the bituminous

layer. One of the layers of the multilayer film can be used as a barrier layer.

With respect to Species (b), namely a multilayer film having two film layers and a tie or adhesive layer, it is respectfully submitted that a tie or adhesive layer between two film layers is a normal way to improve the bonding between two film layers. With a tie or adhesive layer, the two film layers are more tightly combined. This point seen alone is state of the art and is often used to combine two or more different film layers of mostly incompatible material.

With respect to Species (c), namely a release film comprising the multilayer film having two film layers, it should be noted that Applicant's multilayer film also can be used as a release film especially for bituminous webs. For example, the multilayer film according to the present invention avoids a detachment from the bituminous web during storage. To reduce the tackiness of the release film against the tacky web, a release agent is used on the side of the multilayer film facing towards the tacky web, which, it is respectfully submitted, is also not a separate species of the invention. It is only an improvement for

a special use of the multilayer film according to the present invention.

Moreover, Applicant notes that the Examiner has already conducted a search and issued an Office Action on the merits of all the claims in this application to which Applicant has responded. Therefore, it is respectfully submitted that a Restriction Requirement at this stage of the prosecution should not have been made. In any event, Applicant believes that any further search for the invention and the species embodied in Species (a) would necessarily include a search of the invention embodied in the remaining species. Thus, the simultaneous search for all the species is believed not to constitute an unreasonable search for the Patent Examiner.

In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if any necessary further search were conducted simultaneously for all of the species. Also, the necessity of filing multiple patent applications in this case does not serve to promote the public interest because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity

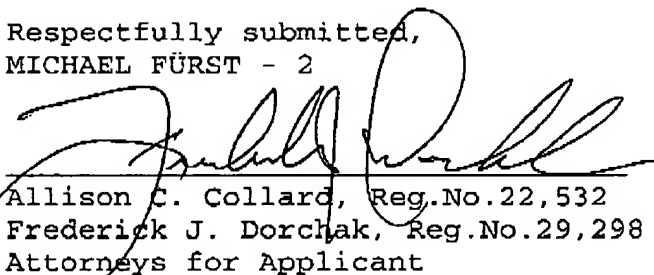
of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserves the right to file a divisional patent application for the non-elected species.

For all of these reasons, it is respectfully requested that the Restriction Requirement under 35 U.S.C. § 121 be withdrawn and that a further action on the merits of all the claims be rendered.

Respectfully submitted,  
MICHAEL FÜRST - 2

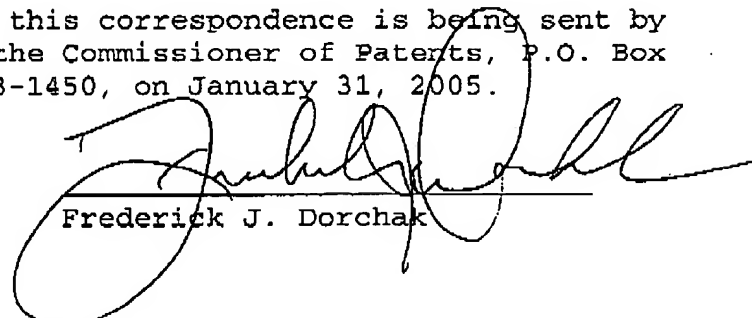
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